

An Educator's Guide to Social Networking

PASA-PSBA School Leadership
Conference
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...the Hand that Feeds You

In August 2010, a teacher was fired for calling residents of the town where she taught "arrogant and snobby." She added that she was "so not looking forward to another year at [the] schools."

She thought her privacy settings on Facebook would have kept the general public from reading her comments.

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Arrrgh!

A Millersville University student was removed from her student teaching assignment at a Pennsylvania high school after posting information on MySpace relating to problems with school administration. She also posted a photo of herself in a pirate hat holding a plastic cup with a caption that read "drunken pirate"

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Bad Joke

In March 2011, a veteran teacher in Brooklyn was fired after posting the following comment on her Facebook page: *"After today, I'm thinking the beach is a good trip for my class. I hate their guts."*

This comment was posted one day after a 12 year old girl from Harlem drowned on a class trip to the beach.

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Social Networking

Using computers, phones, and PDA's to e-mail, text message, IM or post blogs

Creating a personal profile and establishing a presence on Facebook, MySpace, LinkedIn, Foursquare, Reddit, StumbleUpon, Digg, Klout, Skout, Google + and ????

Twittering, posting videos on You Tube, engaging in forums, bulletin boards, or chat rooms

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Keep in Mind

- Technology is pervasive
- It is ever changing
- Users must make good decisions
...especially teachers

Educators are professionals who represent the school district and the community. When educators go public, they should conduct themselves in accordance with the responsibilities of public service.

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Teachers Interacting With Students

- Do not become "friends" with students online
- Be careful not to engage students personally on your work site, on the student's blog, or on social network pages
- Stay away from participating in students' networking group pages or use these pages to communicate with students

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Identity

- Be honest about who you are when you use any social network
- Do not pretend to be another person
- If teachers choose to write about controversial subjects, they should include a disclaimer that indicates that they are personal views and not those of the employer/school district

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Website Privacy

- The Fourth Amendment protects people, not places (*Romano*)
- No privilege exists in PA for information on private sections of websites (*McMillen, Piccolo*)
- Postings inconsistent with statements made in discovery could result in the private portions of those websites being ruled discoverable (*Zimmerman*)

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Websites and Blogs

- *Richerson v. Beckon* – Personal blog
- *Snyder v. Millersville U.* – MySpace
- *Spanierman v. Hughes* – MySpace
- *Stengle v. Office of Dispute Resolution* – Public blog

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Liability

Educators are liable for what is posted on their personal website as well as what they post on the website of others

If teachers are involved in misconduct involving technology, they will be subject to evidence extracted from their digital footprint

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Areas of Concern

- Respect all copyright laws. Reference or cite all sources as required by law
- Avoid using images or photographs of students on a personal blog or social networking webpage
- Do not use images of District logos or mascots without permission

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Areas of Concern

- Never discuss situations involving employee or student discipline
- Refrain from discussing any matter that involves special education
- Always keep in mind the district's Acceptable Use Policy, Personal Conduct Policy and confidentiality obligations imposed by law including FERPA and HIPAA

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Consequences

- As a representative of the District, inappropriate postings viewed by students and parents are subject to discipline
- The District has the right to conduct web searches in order to determine the appropriateness of postings
- The District may track the use of its computers at any time

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Speech (Oral, Symbolic, Written)

While teachers have rights of free speech, personal expressions have limits too...

Protected: Speech that is a matter of public concern

Not Protected: Matters of public concern that are expressed while engaged in teaching duties or personal expression that is disruptive

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Personal Privacy

There is no privacy in the internet:

- Pennsylvania teacher with male stripper
- Colorado teacher for sexually explicit poetry
- Florida teacher for working a bikini/topless fishing charter

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Security

- Be cautious about the information that is shared
- All tweets and text messages are retrievable
- If necessary, create a separate account for your social media networking

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Monitor Comments

- Comments are a major part of social networking. However, educators should periodically review and approve all comments that find their way on to their social networking page
- Educators should not invite students to comment on their personal pages or blogs

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Monitor Images

- Be careful how photos are used
- Check pictures posted by friends to ensure that a search for your name does not reveal images of you without your approval

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Remember...

Educators are held to a higher standard consistent with the responsibilities of public service.

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Board Members - FYI

- A record is information in any form that documents a transaction or activity of an agency; created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency
- A public record including financial record of a Commonwealth or local agency that is not exempt by federal or state law, regulation, judicial order or decree and is not protected by a privilege

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What About?

- School board packets
- Superintendent's contract and salaries of our school employees
- Your digital communication

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FYI

- **Must school districts (agencies) provide access to records if a request is made verbally or anonymously?**

No. School districts MAY fulfill verbal or anonymous verbal or written requests for access to records. However, a requester must make a written request *including specific information* to pursue any rights under the law.

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5 Days to Respond

- After receipt of a *written* request
- 5 business days to provide the initial response.
- If the response grants access to the public records, this does not mean that a school district has to deliver a hard copy of the public record to the requester at the same time it issues the response.

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Digital Information/Emails

- The law specifies a public record must be provided to a requester in the medium requested *if it exists in that medium*.
- Be careful if you conduct extensive communication between and among Board members by email, twitter, etc.

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Students and the Internet

1. Students may not use school infrastructure to create disruption in school...including bullying or harassment.
2. There are three categories of off-site student internet activity:
 - Obnoxious Expression
 - Actual or Foreseeable Disruption
 - Overt Threat

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Off-Site Student Internet Expression

Obnoxious, Insulting Expression: trash talk, tasteless humor

Emmett v. Kent SD No. 415
Beussink v. Woodland SD
Flaherty v. Keystone Oaks SD
Killion v. Franklin Regional SD
Layshock v. Hermitage
J.S. v. Blue Mountain S.D

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Off-Site Student Internet Expression

Actual or Foreseeable Material Disruption:
intimidation, veiled threat or invitation to incite
others to acts that would impede the function or
operation of the schools

J.S v. Bethlehem Area SD
Doninger v. Niehoff

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Off-Site Student Internet Expression

Overt Threat to Person or Property:

D.J. M. *ex rel.* D.M. v. Hannibal Public S. D.
Kowalski v. Berkeley County Schools

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